



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24065-2025

Date of decision: 20.08.2025

Sanju and others

....Petitioners

Versus

Punjab Engineering College, University of Technology and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Madhur Singh, Advocate,
for the petitioners.

KULDEEP TIWARI, J. (Oral)

The petitioners-workmen, by way of instant writ petition, as cast under Article 226/227 of the Constitution of India, have assailed the award dated 05.11.2024 (P-7), passed by the learned Industrial Tribunal-cum-Labour Court, U.T., Chandigarh, wherethrough, their claim/industrial reference, for re-employment/re-adjustment in service with the respondent-Management on any Group 'D' post, in view of Section 25H of the Industrial Disputes Act, 1947 (for short, 'the Act') with continuity of service and back wages, was declined, being not maintainable on account of principle of *res judicata*.

Learned counsel for the petitioners, while referring to Section 44 of the Indian Evidence Act, 1872 (Section 38 of the Bharatiya Sakshya Adhiniyam, 2023), submits that principle of *res judicata* does not apply to the case of the petitioners-workmen, as the earlier reference was dismissed on account of misrepresentation made by the respondent-



Management that it was not continuing with the process of appointment of Group 'D' employees, on contract basis. However, subsequently, pursuant to the information supplied to the petitioners, under the Right to Information Act, 2005, they came to know that the respondent-Management had again made appointments of Group 'D' workers directly, on contractual basis, from June, 2007 to June, 2010. Therefore, a fresh cause of action accrued in favour of the petitioners to again approach the learned Tribunal. He further submits that since the petitioners were Group 'D' employees, i.e. Sweeper, Chowkidar, Mali etc., they were not aware of their legal rights, when the earlier litigation, at their instance, was pending before different forums. Accordingly, it is urged that a lenient view be taken to dilute the principle of *res judicata*.

The submissions advanced by the learned counsel for the petitioners have been heard, which do not find favour with this Court, for the reasons to be recorded hereinafter.

Before dealing with the submissions made by learned counsel for the petitioners, it is imperative to have a brief narration of the undisputed facts.

In pursuance of an advertisement published in the year 2002, the petitioners were engaged with the respondent-University on Group 'D' posts, in the year 2003, on contractual basis, for a period of six months or till the posts were filled by regular employees, whichever was earlier. Their services were extended from time to time, but eventually, they were relieved from service, in the year 2007. Aggrieved thereby, the petitioners-workmen had approached the learned Labour Court, in terms of the provisions of the Act. After analyzing the entire record, the learned



Labour Court, vide award dated 01.03.2011, declined to grant the relief of reinstatement, but granted compensation to the tune of Rs.20,000/- to each of the workmen. Fetching grievance, the petitioners-workmen had filed a bunch of six writ petitions before this Court in the year 2011 itself, challenging the validity of the award (supra). Accordingly, the Writ Court, vide order dated 28.05.2013, interfered with the component of compensation only, holding the workmen entitled to Rs.2,00,000/- instead of Rs.20,000/-. The said enhancement propelled the respondent-Management, to prefer a Letters Patent Appeal, which was dismissed by this Court, but the compensation was further enhanced to the tune of Rs.3,00,000/- each, vide order dated 29.05.2014. However, it was specifically observed that reinstatement was rightly not granted to the workmen. In order to try their luck, the workmen preferred Special Leave to Appeals, before the Hon'ble Supreme Court, which again met the same fate, as those were dismissed in *limine*, vide order dated 14.11.2014. However, after about a lapse of eight years, the petitioners, on the basis of some information obtained under the Right to Information Act, again raised an industrial dispute, which, as indicated above, was declined, being hit by the principle of *res judicata*.

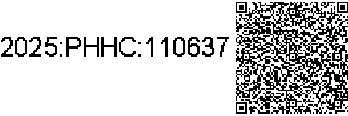
The matter at hand has a long and chequered history. The petitioners-workmen had climbed every stair in the hierarchy of justice delivery system, to prove their claim. As demonstrated above, the initial award, which had been passed in the year 2011, was tested before this Court in the year 2013, and the same was upheld up to the Hon'ble Supreme Court, vide order dated 14.11.2014. Thus, the same attained finality in the year 2014 itself. Further, the petitioners-workmen were



granted compensation to the tune of Rs.3,00,000/-, and denial of the benefit of reinstatement was affirmed. In such peculiar facts and circumstances, there is no room for this Court to again open the issue.

What further emerges from the perusal of the record is that the information, upon which, the entire case of the petitioners is predicated, is that a few of the Class-IV posts, i.e. Garden/Watch & Ward Staff, Sweeper etc., were filled by the respondent-Management, on contractual basis, from 2007 to 2010, thereby, ignoring the petitioners, who had rendered their services for almost four years. Subsequently, the petitioners served a legal notice, on the strength of the said information. In response, the Management, before the Tribunal, in no uncertain terms, denied appointment of any person directly on contractual basis on the post of Chowkidar, Mali, Sweeper etc.

On delving deep into the matter, what surfaced is that, even if, any appointment was made by the Management in the year 2007 to 2010, though not substantiated by placing on record any material before the Tribunal, except the information obtained under the RTI, the petitioners could have raked up this issue in the earlier rounds of litigation, but they chose not to. When the issue has already been settled long ago, now the petitioners have again approached the Tribunal on the ground that they were not aware about the appointment of some persons, directly on contract basis, at that relevant point of time. However, under the guise of ignorance, the rigors of principle of *res judicata* cannot be diluted. Nothing debarred the petitioners from collecting the requisite information which related to period, not only when the Tribunal was seized of the matter, but also till the matter was finally set at rest by the



Hon’ble Supreme Court in the year 2014. In this view of the matter, the petitioner cannot be allowed to start a new round of litigation.

As a sequel of the above discussion, this Court is of the considered opinion that the impugned award does not suffer from any illegality or perversity, as the learned Tribunal has rightly dismissed the claim of the petitioner-workmen by invoking the principle of *res judicata*

Accordingly, the writ petition stands **dismissed**.

(KULDEEP TIWARI)
JUDGE

20.08.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No